

HEARING OF CREELY ON CHARGE OF ARSON

WITNESS TESTIFIES TO ACTIONS OF DEFENDANT

SAYS HE ENTERED STORE SHORT TIME BEFORE EXPLOSION PRECEDING FIRE

POSITIVE IN IDENTIFICATION

OTHER WITNESSES EXAMINED AND HEARING CONTINUED UNTIL THIS MORNING

Carl Creely, proprietor of the Cordoby clothing store, who is charged with arson as the result of the destruction of the store by fire of a suspicious origin, was present at his place of business shortly after midnight on the night of the fire for something over half an hour, according to the testimony of Edward Fulwood, given at Creely's examination, yesterday, before Judge Hinson Thomas.

Fulwood, who roomed at the home of Joe Hollender, adjoining the burned store, testified that he went to the house some time after midnight, last Tuesday morning, for the purpose of getting a drink of water.

When but a few feet from a gate which opened into a passageway at the side of the Cordoby store, he saw Creely pass through the gate, walk to the rear door and enter the building.

Later he saw him emerge from the building, the witness testified, and about fifteen minutes later the first explosion was heard, followed by a second and louder one, accompanied by a rush of flame.

On cross examination by Attorneys J. M. McCollum and G. W. Scott, Fulwood slightly contradicted his first statement to the effect that Creely was in the store fifteen or twenty minutes, by stating that he might have been inside the building as much as fifty minutes.

He stuck to his other statements, however, and when cross examined as to the appearance of the man he saw enter the building, stated that he walked with one shoulder higher than the other.

Packing Cases in Store
Mrs. Joe Hollender testified as to the fire, corroborating statements of other witnesses as to the explosions at the beginning of the fire.

Asked as to whether or not she had seen Creely remove any goods from the store, she said she had not, but that she had seen him take several large packing cases into the store and had later heard a noise which indicated that they were being nailed up.

Man Ran From Store
N. C. Nielsen, who lives a short distance to the rear of the store, testified that shortly after the first explosion, he saw a man run past his house from the direction of the store, with his clothing on fire. He thought the man resembled Creely, but he would not state positively that the defendant was the person he saw.

Frank Ballard, R. C. Ballard, "Chapman" House and E. Nielsen testified that they saw a man run from the direction of the burning store. While they all described the man as being similar in build to the defendant and dressed as he is said to have been on

the night of the fire, they could not make a positive identification.

Partner Testifies
Julius Blackie, who was formerly a partner of Creely, handling the tailoring department, testified that about three weeks ago, when he withdrew from the firm, Creely told him that the stock in the store was worth about \$1800. He thought the stock was insured at that time for about \$2000.

The witness stated that he purchased an interest in the store for \$740, and later loaned Creely \$75 more. When he sold out, he received \$550, of which only \$75 was cash, the balance being in notes.

When he left, Blackie stated, he took away his outfit, including two gasoline stoves and all of the gasoline on the place. Later he sold one of the stoves back to Creely.

The prosecution did not complete the presentation of evidence yesterday and an adjournment was taken until 2 o'clock this afternoon, when the hearing will be resumed.

The case may be finished today, as it is hardly likely that the prosecution will put on any more witnesses.

Self-Possessed Prisoner
Creely was very self-possessed while in court. He stood up several times while witnesses scrutinized his dress and features, in an effort to identify him, without apparent embarrassment.

The defendant has not secured bail and was taken back to his cell, after the examination.

WESTON NEARS GOAL
SHOULD ARRIVE IN SAN FRANCISCO NEXT TUESDAY, BEHIND SCHEDULE

SAN FRANCISCO, July 9.—With more than 3,500 miles behind him and less than two hundred miles still to end his tramp from New York to San Francisco, Edward Weston, the veteran walker, is striding through the passes of the rugged Sierra Nevada mountains with the last range that separates him from the Pacific ocean surmounted.

The white haired athlete arrived at Summit, the highest station on the line of the Southern Pacific, at 6:55 p. m. After dinner he started down the western slope toward Cisco, expecting to reach there at midnight. Weston is four days behind his 100-day schedule. He should arrive here Tuesday, July 13, 103 days, exclusive of Sundays, from New York, which he left at 4 p. m. on the evening of his 70th birthday, March 15.

His physical condition is better today than it was when he began the long trip and he is making up instead of losing time as the journey nears its end.

French Minister Attacked by Deputy
PARIS, July 9.—As he was leaving the senate this afternoon M. Caillaux, minister of finance, was struck in the face by Charles Bos, a former deputy, who claimed the finance minister slandered him, charging him with lobbying against the bill to renew the subsidy agreement with the Messageries Maritime company.

Caillaux raised his cane but he did not strike back, saying as he drove off: "I am not a duelist."

Chinese Gardeners Complain of Stolen Water Rights
Sam Kee, Wong Yick and Wong Goon, Chinese vegetable gardeners, who hold a lease on a part of the Abernathy ranch below town, were granted a temporary injunction by Judge Lewis yesterday, restraining Felix Phillips from appropriating to his use water from Pinal creek, which the plaintiffs claim a right to.

The defendant was granted two days in which to show cause why a permanent restraining order should not be issued.

According to the complaint, filed by Attorney George R. Hill, A. Abernathy took up a water right of 100 miners'

inches, some years ago, and made due record of the same, before leasing the ground to the plaintiffs.

The plaintiffs claim that the creek is so low that no water passes their ranch and reaches that of Phillips, some distance below, and that in order to secure water to irrigate his crops, he has cut the ditches of the Chinese gardeners and appropriated their water supply.

The plaintiffs set up a claim that the defendant is insolvent, and that the only relief they can obtain is to secure an order from the court, prohibiting Phillips from molesting their irrigating system.

Legion of Honor Commander Is Dead
PARIS, July 9.—General Marquis De Gallifet, former minister of war and commander of the Legion of Honor, died tonight. He was stricken with apoplexy Sunday.

Gaston Alexandre Auguste, Marquis de Gallifet, was born in Paris in 1831. He began his military career by killing the fencing master of his corps in a duel.

In Mexico, at the battle of Puebla, he was struck in the stomach by a shell and the military surgeon pronounced it a hopeless case. He survived, however, and when the wound had healed a little a silver plate was made to cover it.

FOUR MULES BOUGHT FOR GARBAGE WAGONS
Mayor Alfred Kinney, acting for the board of health, purchased four mules for the use of the garbage collection department yesterday. The animals were secured for \$900, and as they have done excellent work in the past, that price is not considered exorbitant by the city officials.

The new garbage wagons, which arrived a few days ago, will be rigged up today, and it is probable that, by the first of the week, at least a part of the equipment will be in use.

While the collection of garbage under municipal direction is new in this city, a saving of considerable money has been effected with hired teams and wagons, during the trial of the plan for the past few weeks.

With new and improved wagons, hauled by the city teams, still greater economy is expected.

BATTLESHIPS AT ANCHOR
BARNSTABLE, Mass., July 9.—Thirteen battleships of the North Atlantic fleet which steamed from Rockport yesterday, anchored in Cape Cod bay early today.

CUNNINGHAM HELD FOR MURDER OF MISS BRASCH
THE TIME CHECK SYSTEM OF PAYMENT IS SCORED BY JURY
PRISONER UNMOVED BY CHARGE
CALIFORNIA SENATORS HOLD TIME CHECK METHOD PARTLY RESPONSIBLE
SAN FRANCISCO, July 9.—After six hours' deliberation, the coroner's jury investigating the death of Caroline Brasch, who was shot and killed in Gray Brothers' office last week, returned a verdict tonight charging James E. Cunningham, the self-confessed murderer, with the crime, and recommended that laws be framed and adopted without delay to do away with the "time check" system of paying laborers.

The inquest was attended by men of all professions, legislators, lawyers, doctors and ministers, seeking the chance to denounce the "time check" system.

Supervisor Booth of this city, many state senators, among whom were Wolfe, Burnett, Schmidt, Kennedy and Anthony, addressed the jury urging that the method of paying workmen used by the girl's employers be held partly responsible for her death.

That the jury heeded the demands is shown by the verdict, which recommends that the bar association draw up a bill to put a stop to the system of deferred payment of laborers in this state. It calls upon the legislature to pass a bill and urges that the boards of supervisors of every municipality shall work for its passage.

Outside the story told by the self-confessed slayer of Miss Brasch, evidence given by Harry Gray, member of Gray Brothers, was most important. The business methods of the company were probed deeply, and every angle of the check system was presented to the jury.

Cunningham repeated his previous story of the killing, again laying stress on his motive, a desire for revenge. He heard himself charged by the jury with the same calm, almost indifferent expression on his face that he has worn since he gave himself up.

Scrappers Agree to Fight in Nevada
SAN FRANCISCO, July 9.—At a meeting held tonight at the St. Francis hotel between Tex Hall of Ely, Nev., Stanley Ketchel, and Willus Britt, Ketchel's manager, articles were signed for a finish fight at Ely on Labor day between Ketchel and Sam Langford. The articles of agreement will be forwarded to Langford for his signature. According to a statement made by Willus Britt, \$20,000 is now on deposit in an Ely bank. Langford is to get \$5,000.

KETCHEL AND LANGFORD MAY FIGHT IN 'FRISCO
SAN FRANCISCO, July 9.—A forfeit of \$5,000 was posted tonight by the Mission Athletic club of this city, with a local newspaper for a twenty-round fight in San Francisco between Stanley Ketchel and Sam Langford. The fight will take place some time in August. Ketchel is promised \$10,000, win, lose, or draw, while Langford is to get a percentage of the gate receipts. The offer will be submitted to Ketchel tonight or tomorrow.

No forfeit has yet been posted by the promoters of the Ketchel-Langford match in Ely, Nev., articles for which were signed last night, and the fight at that place is by no means regarded as a certainty.

SEATTLE EXCURSION STEAMER RUNS ON REEF
ONE HUNDRED AND FIFTY PASSENGERS TAKEN OFF UNINJURED
SEATTLE, July 9.—The excursion steamer, Yosemite, went on the rocks near Bremerton Seat, Puget Sound navy yard at 6 o'clock tonight while returning with a party of excursionists from a trip about the sound.

A large hole was stove in the steamer amidships, and she was hung on the reef with five feet of water in her hold. One hundred and fifty passengers were taken off by passing steamers.

The Yosemite, which belongs to C. D. Hillman of this city, is valued at \$50,000. It is hoped that she may be saved. The steamer is a wooden ship of the side wheeler type and was built in San Francisco in 1862.

BOLIVIAN BESIEGE LEGATION OF ARGENTINE
COMPLICATIONS ARE LIKELY TO INVOLVE BRAZIL ALSO
LA PAZ, Bolivia, July 9.—At 9 o'clock tonight, a furious mob attacked the Argentine legation. Troops have been called out and fears are entertained for the safety of the Argentine minister.

The trouble is the outcome of the decision rendered by President Alcora of Argentina, in the boundary dispute between Peru and Bolivia.

Senor Poncea is the Argentine minister to Bolivia. The great crowds that had been parading the streets, finally turned in the direction of the Argentine legation, which they surrounded. There were shouts of rage, and stones and other missiles were hurled at the building. Local authorities endeavored to check the manifestations, and at length the government found it necessary to order out the troops. Both this legation and the Peruvian legation are under strong guard.

The Bolivian people unanimously protest against the decision rendered by President Alcora, which they consider most unjust. The territory involved is the famous Acre district, recently purchased by Brazil from Bolivia for \$10,000,000, notwithstanding the fact that Peru issued warning that the territory was, at that time, the subject of arbitration. Peru's complications are certain to involve Brazil.

ALL AMENDMENTS TO TARIFF BILL REJECTED
HOUSE MEMBERS VOTE THEM DOWN AND SEND BILL BACK TO CONFERENCE
CLARK AND ALDRICH HAVE TILT
CONGRESS WILL RESUME LABORS ON TARIFF BILL NEXT MONDAY
WASHINGTON, July 9.—When the enco was required by the senate. He possession of copies of the tariff bill as amended and passed by the senate. The committee on rules met after the house took its recess hour, and decided to bring in an order for the reference of the bill to the committee on conference as requested by the senate, the house in the meantime disagreeing to the senate amendments.

When the recess expired, Dalzell of Pennsylvania and member of the committee on rules, rose to offer a rule providing for non-concurrence in all the amendments, agreeing that conference was required by the senate. He supplemented the rule with a motion for an hour and a half for debate, which was adopted.

The bill, as it came from the senate, was condemned by Townsend of Michigan. As it left the house, he said, it complied, for the most part, with the republican pledges, but now, "you would hardly recognize it if you met it in the road."

The bill, in the opinion of Fitzgerald, was about as bad as a piece of legislation as it is possible to make in any legislative body. He hoped there would be aroused throughout the country such resentment as would make it impossible to put some senate amendments into effect.

Randall of Texas, Po of North Carolina and Henry of Texas, characterized the measure as breaking the republican pledges to the American people.

Their remarks aroused Smith of Iowa, who declared the American people did not direct democratic revision of the tariff. Norris of Nebraska joined his insurgent republican colleagues, and protested that the republican party would not be true to its pledges if the bill in its amended form, should become a law.

In pleading for an opportunity to vote separately on various amendments, Bartlett of Georgia, democrat, declared the corporation tax was a pre-text and a sham, placed in the bill simply to defeat the income tax.

"Great God Almighty, eight hundred and forty-seven amendments," was the exclamation of Clark of Missouri, the minority leader, as he closed debate on his side. Voting on every amendment without debate, he said, would take from two to six hours.

The bill, Clark said, when it left the house, was bad; the Aldrich-Smoot bill is worse, and judging the future by the past, the result of the labors of the conference committee will be worse than all.

Payne, in closing for his side, pleaded with his colleagues to send conferees to the senate unhampered by any vote of instructions.

The previous question was ordered on the adoption of the rule and the roll was called. The vote resulted: Yeas 78, nays 151. The amendments, accordingly, were all rejected, and the bill was sent to conference. The speaker announced the conferees and the house adjourned until Monday noon.

OREGON DAY AT SEATTLE
SEATTLE, Wash., July 9.—The celebration of "Oregon Day" at the Alaska-Yukon-Pacific exposition today opened with the promise of being one of the red letter days in the history of the big fair. Official Oregon was well represented and hundreds of people from all parts of the state attended. The formal exercises were held in the amphitheater this morning with E. W. Rowe, president of the Oregon commission, presiding. Addresses were delivered by Archbishop Christie and W. D. Penson, a prominent Oregon attorney. The musical features of the program were furnished by the "Rose Festival" chorus of Portland. At the conclusion of the formal exercises adjournment was taken to the Oregon building where open house was kept throughout the day.

COOK SHOT IN THE BACK
REO, July 9.—Maria Fava, a cook, was shot in the back and killed this evening, by a man whom the police say they believe is Fortunato Tarentino, who has been missing.

\$6,000 LOSS IN LOWER BROAD STREET FIRE
CONCRETE PLANT OF JOHN MAUREL DESTROYED
EXPLOSION OF QUANTITY OF DYNAMITE ADDS TO GENERAL DESTRUCTION
\$3,000 INSURANCE CARRIED
CIRCUMSTANCES SURROUNDING BLAZE INDICATE INCENDIARY ORIGIN
Fire, the origin of which baffles explanation, completely destroyed the concrete building block plant of John Maurel, on lower Broad street at 1 o'clock this morning, causing a loss estimated at \$6,000.

During the progress of the fire, nearly a dozen sticks of giant powder exploded, tearing the roof from the building and severing the telephone cable which connects the central office with the North Globe subscribers.

While the property was insured, the owner of the plant stated this morning that the loss would probably not be half covered.

Every effort to discover the cause of the fire was futile, when an investigation was made this morning. The indications point to the fact that the fire was of incendiary origin. With the exception of a quantity of lined oil, stored at a considerable distance from the point where the fire started, there were no inflammables in the building, as far as could be learned.

Plant Total Loss
The plant was reduced to a heap of scrap iron and charred wood by the fire. The blaze was not discovered until it had been burning for some time and when the North Globe fire brigade arrived, the sheet iron building was a roaring furnace.

In stringing a line of hose, the front connection was broken and the nozzle could be used to no advantage. It was not until the uptown company arrived that water could be used to any effect and at that stage of the fire, nothing could be done to save the structure.

Explosion Wreaks Havoc
Nearly a dozen sticks of giant powder, which had been left in the building by Maurel, let go during the early part of the fire. The explosion tore the roof from the front of the building, scattered the burning embers to all parts of the structure and hurled a section of sheet iron with such force against the telephone cable in front of the building that the line was severed. The breaking of the cable caused the other wires to give way and all connection with North Globe was severed.

As the building was not located near any other structure, the fire did not spread to the adjoining properties.

Proprietor Will Lose
"The building and its contents represents an investment of nearly \$6,000, and insurance to the extent of only \$3,000 was carried," said John Maurel to the Silver Belt this morning.

"I had improved the plant by the installation of a new brick press only a few months ago and the building contained all of my machinery and tools, including about 1000 pallettes, used for drying concrete bricks.

"I have no idea how the fire started. I left the building shortly after 6 o'clock and locked up the place. No one could have gained access to the inside of the plant except by prying off one of the sheets of corrugated iron and I am at a loss to know how an incendiary could have set the place on fire.

"There was no gasoline stored on the premises and the electric motor had been out some time ago, making it practically impossible for defective wiring to have started the fire. As far as I can learn, the giant powder, which had been stored temporarily in the building, did not explode until the fire had gained considerable headway."

Harry Temple, night watchman of the Gila Valley railroad, saw the flames and fired his revolver, notifying the uptown fire department of the blaze. The boys responded, but arrived at the scene of the fire too late to render any effective service.

TERRY GOES TO ASYLUM
NEW YORK, July 9.—Terry McGovern, former featherweight pugilist, was committed by a Brooklyn magistrate to the observation ward of Kings county hospital today.

A witness testified that his actions for some time past indicated that his mind had weakened.

EARTHQUAKE SHOCKS RECORDED IN SPAIN
TORTOSA, Spain, July 9.—The observatory here recorded violent earthquake shocks followed by several lighter shocks today.

The center of the disturbance is estimated a long distance from the point of observation.

TAFT ANNOUNCES PLANS FOR TRIP IN FALL
WILL VISIT ARIZONA AND OTHER STATES OF THE GREAT SOUTHWEST
WASHINGTON, July 9.—President Taft reached Washington today at 3:50 p. m. and went directly to the White House, where he expected to meet both the house and senate leaders.

On his way back to Washington he spent an hour reading newspaper accounts of the final tariff fight in the senate. He expressed himself as deeply gratified that the bill had gotten through the senate.

He announced today some of his plans for his trip west in the fall. He also wrote to President Diaz of Mexico, saying he will be glad to meet him in El Paso, probably October 15.

The president expects to start west on his fifty-second birthday, September 15. He will head for Seattle, stopping at Denver, Salt Lake City and Spokane. From Seattle the president will go to Portland, thence to San Francisco, and Los Angeles, where he will visit his sister. From Los Angeles he will go to San Diego, through Arizona, and New Mexico to Texas, where he will spend several days on C. P. Taft's ranch, near Corpus Christi; thence through the southern states, making several stops enroute to Washington.

THAW'S HEARING IN NEW YORK IS DENIED
NEW YORK, July 9.—Supreme Court Justice Gaynor today denied the motion recently made before him for the removal of the Thaw insanity hearing from Westchester county to New York county. Justice Gaynor referred to New York county's plea that the convenience of expert witnesses of whom it was desired to ask lengthy questions would be served by the removal of the case to New York and said:

"Thaw has been confined in the state lunatic asylum for a year, and experienced practical physicians in charge there ought to suffice in place of experts of the state on the question of whether this man, who has already been adjudged a lunatic by Justice Morschauser, after a full hearing, has since recovered and may safely be set at large.

SUFFRAGETTE STARVES HERSELF OUT OF JAIL
LONDON, July 9.—The latest heroine of the suffragette cause is Miss Wallace Dunlop, who recently was sentenced to a month's imprisonment in Holloway jail for posting notices on the walls of the house of parliament. Miss Dunlop organized a hunger strike in the prison and the authorities discharged her this afternoon after she had refused food for ninety-one hours. Miss Dunlop had been in prison only five days.